

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

CATHERINE NIEVES,

Plaintiff,

v.

**NOTICE OF REMOVAL**

Civil Action #:

STARBUCKS COFFEE COMPANY and  
STARBUCKS CORPORATION,

Defendants.

---

**TO: United States District Court  
Eastern District of New York**

Pursuant to 28 U.S.C. §1441 and 1332, the action entitled *Catherine Nieves v. Starbucks Coffee Company and Starbucks Corporation*, commenced in the Supreme Court of the State of New York for the County of Queens, Index Number 717474/2020, is hereby removed by Defendant, Starbucks Corporation d/b/a Starbucks Coffee Company (sued incorrectly as “Starbucks Coffee Company and Starbucks Corporation”) (“Starbucks”), from the Supreme Court of the State of New York, County of Queens to the United States District Court for the Eastern District of New York by the filing of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of New York.

Starbucks, by and through its attorneys, Goldberg Segalla LLP, respectfully states the following as grounds for removing this action:

**Procedural History**

1. On or about October 2, 2020, the above-captioned civil action was commenced in the Supreme Court of the State of New York, County of Queens. Plaintiff’s Summons and Complaint were assigned Index Number 717474/2020 (hereinafter, the “State Court Action”).
2. According to the Affidavit of Service filed on October 9, 2020, plaintiff served

Starbucks via the Office of the Secretary of State on October 8, 2020.

3. Copies of all process, pleadings, and orders served upon Starbucks in the State Court Action are attached hereto as **Exhibit A**.

4. In the State Court Action, plaintiff, Catherine Nieves, seeks monetary damages for personal injuries she allegedly sustained while at the premises located at 32-02 Francis Lewis Boulevard, Flushing, New York (“Premises”).

### **Parties**

5. Upon information and belief, plaintiff is a resident of Queens County, in the State of New York.

6. Starbucks is incorporated under the laws of the state of Washington and has a principal place of business in Washington.

7. More specifically, Starbucks is a foreign corporation duly organized and existing by the virtue of the laws of the State of Washington, with a principal place of business at 2401 Utah Avenue S., Seattle, Washington 98134.

8. Starbucks is a publicly traded Washington corporation and no shareholder owns 10% or more of the shares of Starbucks stock.

9. Accordingly, full diversity exists between the parties.

### **Jurisdiction**

10. This Court has subject-matter jurisdiction of the action pursuant to 28 U.S.C. § 1332 in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

### **Basis for Removal**

11. This Court has subject-matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332. Venue is proper pursuant to 28 U.S.C. § 1441(a) as this is the federal district court for the district embracing the place where the state court suit is pending.

12. Though the Complaint does not state the amount of damages that will be sought, on or about December 16, 2020, our office forwarded a proposed stipulation to plaintiff's counsel, requesting that plaintiff limit her request for damages to less than \$75,000. To date, plaintiff has not executed the proposed stipulation, thereby confirming that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

13. Therefore, it is Starbucks good faith belief that the amount in controversy exceeds \$75,000, exclusive of interest and costs, making venue proper.

14. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon plaintiff, by and through her attorney of record, and is being filed with the Clerk of the Court of the State of New York, Supreme Court, County of Queens, Queens County Clerk's Office.

15. By filing this Notice of Removal, Starbucks does not waive any defenses which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over Starbucks, improper service of process, and the absence of venue in this Court or the Court from which this action has been removed.

**WHEREFORE**, Starbucks files this Notice of Removal so that the entire state court action under Index No. 717474/2020 now pending in the State of New York, Supreme Court, County of Queens be removed to this court for all further proceedings.

Dated: Buffalo, New York  
January 20, 2021

GOLDBERG SEGALLA LLP

Joseph Hanna, Esq. (JH2603)

*Attorney for Defendant*

*Starbucks Corporation d/b/a*

*Starbucks Coffee Company*

*665 Main Street*

*Buffalo, New York 14203-1425*

*(716) 566 - 5447*

*[jhanna@goldbergsegalla.com](mailto:jhanna@goldbergsegalla.com)*

TO: Melanie Abrams, Esq.  
Boris Abrams, Esq.  
Abrams Law Group, P.C.  
*Attorneys for Plaintiff*  
104-70 Queens Blvd., Suite 502  
Forest Hills, NY 11375  
(718) 997-9797  
abramslawgroup@gmail.com